REMARKS

In the Office Action Office Action dated 20th July 2006 claims 1, 3, 4, 7 – 9, 11, 12, 14, 28, and 35 are pending of which claims 1, 3, 4, 7 – 9, 11, 12, 14, 28, and 35 were rejected and in the subsequent Advisory Action the Examiner states that the Request for Reconsideration does not place the application in order for allowance.

In particular, the Examiner states that neither the claim language nor the specification provide a clear definition of the varied zones of stiffness. The Examiner indicates that the stiffness should be given specified in units of force per unit length.

We submit that the addressee of this patent specification is a vascular surgeon and to such a person an absolute figure for stiffness is meaningless. A vascular surgeon uses relative stiffness as his or her basis in selecting and defining guide wires.

In support of this we include herewith an affidavit from a vascular surgeon Michael Lawrence-Brown. In this affidavit Michael Lawrence-Brown states that guide wires are differentiated by their stiffness and more particularly, their stiffness at different positions along their lengths. He states that in general, a main body section of a guide wire for endovascular work needs to be very stiff to straighten out tortuous vasculature to enable introduction of a delivery device over the guide wire. Further he states that the tip of a guide wire on the other hand needs to be highly flexible to prevent damage to the walls of the vasculature during introduction.

In summary therefore, vascular surgeons would, in general, describe guide wires or parts of guide wires by the terms ultra-stiff, super-stiff, extra stiff or highly stiff, stiff, semi-stiff, flexible, highly flexible or soft. Hence flexibility is understood in relative terms. The degree of stiffness would not be understood by vascular surgeons in mathematic or absolute terms such as by force per unit length.

It is observed that none of the cited references in this matter define stiffness in absolute terms.

In Rodriguez (US Patent 5,421,349) the terms "greater flexibility than the wire of the central portion" and "typically of greater flexibility" are used in the abstract.

In Lafontaine (US Patent 5,662,621) the terms "relatively stiff" and "softened ductile state" (column 4 line 1) are used.

In Worley (US Pub 20030208141) the term "stiff but flexible" (paragraph [0048] is used.

The references Cornelius (US Pat 5924998), Erickson et al (US 566458) and Connors et al (US Patent 20040039304) do not appear to have any discussion of flexibility either in relative or absolute terms.

It can be seen that contrary to the assertion of the examiner in the field of guide wires for use by surgeons references to absolute stiffness is not used but relative stiffness terms are used.

As we have submitted in our earlier response none of the cited references either individually or in combination describe, teach or suggest a guide wire with the range and position of relative flexibilities as are claimed in the present application and in our submission all claims are patentable and inventive over the references cited.

The re-examination and reconsideration of this application is respectfully requested and it is further requested that this application be passed to issue.

Although the foregoing discussion is believed to be dispositive of the issues in this case, applicants' attorney requests a telephone interview with the Examiner to further discuss any unresolved issues remaining after the Examiner's consideration of this amendment.

Respectfully submitted,
David Ernest Hartley
Frank Karhu Christiansen

Date: Nov. 7, 2006 By Richard J. Godlewski

Richard J. Godlewski
Reg. No. 30,056
(812) 330-1824

Enclosure:
Affidavit of Michael Lawrence-Brown